

REMARKS

Claims 15-17, 20, 25 and 26 have been cancelled. Claim 1 has been amended to recite that the angle measure between the hard palate and the AC-PC reference line is obtained within a lateral midline image, an amendment which has antecedent basis in at least paragraph 48 of the application as originally filed. Claim 18 has been amended to incorporate the limitations previously recited in dependent claim 25. None of the amendments is believed or intended to introduce new matter.

The Office Action, mailed October 11, 2007, ("Office Action") indicated that the claims 1-5, 12 and 13 were allowable, but rejected those claims under 35 U.S.C. §§ 101 and 112 ¶ 2. The Office Action also stated that:

Applicant has amended claims to specify that the AC-PC reference line is approximated as being about 12 degrees more extended than the hard palate in a diagnostic reference image, but this degree measure among anatomical landmarks is regarded as an inherent property of human anatomy if it is not recited in context with the type of image or a particular view for which this measure is identified (and further raises issues regarding nonstatutory subject matter, addressed herein below). Examiner notes that the specification details that this angle measure is identified within a lateral midline image and notes that if this were incorporated into the claim language then both rejections under 35 U.S.C. 112 and 35 U.S.C. 101 raised herein would be resolved and subsequently withdrawn.

In light of that statement, claim 1, from which claims 2-5, 12 and 13 depend, has been amended to recite "utilizing the identified line to approximate the Talairach AC-PC reference line as about 12 degrees more extended than the hard palate in a lateral midline image." Accordingly, the applicant requests that the rejections of claims 1-5, 12 and 13 be withdrawn, and that those claims be allowed.

The Office Action also objected to claim 25, but indicated that that claim would be allowable if rewritten in independent form, including all limitations of its base claim, and any intervening claims. Claim 25 depended directly from claim 18, which has now been amended to incorporate all limitations previously recited in claim 25. Accordingly, the applicant requests that the rejection of claim 18, along with the rejections of claims 19 and 21-24 which depend therefrom, be withdrawn, and that those claims be allowed in their present form.

All claims other than those discussed above have been cancelled.

CONCLUSION

In light of the amendments and remarks made herein, it is respectfully submitted that the claims currently pending in the present application are in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Applicant encourages the Examiner to contact his representative, William Morriss at (513) 651-6915 or dwmorriss@fbtlaw.com.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

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